

1 Timothy Carl Aires, Esq. (138169)
Aires Law Firm
2 180 Newport Center Drive, Suite 260
Newport Beach, California 92660
3 (949) 718-2020
(949) 718-2021 FAX

4 Attorneys for Plaintiff,
5 AT&T CORPORATION

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, NORTHERN DIVISION

11 AT&T CORPORATION, } Case No. C07-02440 MMC
12 Plaintiff, }
13 v. } DECLARATION OF TIMOTHY CARL
14 DATAWAY INC. and dba DATAWAY } AIRES IN SUPPORT OF REQUEST TO
DESIGNS, } APPEAR BY TELEPHONE AT STATUS
15 Defendants. } CONFERENCE
16 _____ } [F.R.C.P., Rules 16 and 26]
 } S/C DATE: November 9, 2007
 } TIME: 10:30 a.m.
 } CTRM: 7

19 Plaintiff AT&T Corporation, hereby submits the Declaration of Timothy Carl Aires
20 in support of request to appear by telephone at status conference, as follows:

21 | //

22 | //

23 //

24 | //

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28 | //

DEC OF AIRES RE: REQUEST TO APPEAR BY TELEPHONE

1 DECLARATION OF TIMOTHY CARL AIRES
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3

4
5 I, TIMOTHY CARL AIRES, hereby declare and state as follows:
6
7

8 1. The following facts are of my own personal, first-hand knowledge, and if
9 called and sworn to testify thereto, I could and would competently do so.
10

11
12 2. I am an attorney at law, duly licensed to practice before all courts of the State
13 of California and am a member of the Aires Law Firm, counsel for Plaintiff AT&T
14 Corporation.
15

16 3. I am a sole practitioner. I represent Plaintiff Time Master Trading Inc. in a
17 collection action pending in the San Diego County Superior Court under Case No.
18 37-2007-00056535-CU-CL-NC seeking the recovery of \$699,630.80. The parties in said
19 case had been scheduled to participate in a mediation with Glass Mediations pursuant to
20 Code of Civil Procedure §1775 et seq. on October 24, 2007, but the mediation was cancelled
21 due to the wildfires in San Diego County. The mediation has been re-scheduled with a date
22 now set with Glass Mediations of 9:00 a.m. on November 9, 2007. Mediator Glass has
23 graciously consented to allow me to use his telephone to appear by telephone at the status
24 conference set in this action for November 9, 2007 if this Court so allows.
25

26 4. The parties in this action have met and conferred under Rules 16 and 26 and
27 have participated in an ADR conference call which resulted in this action being referred to
28 mediation.
29
30 ///
31 ///
32 ///

5. I respectfully request leave to appear by telephone at the status conference set in this action for November 9, 2007.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 6th day of November, 2007, in Newport Beach, California.

TIMOTHY CARL AIRES

1
PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I, Timothy Carl Aires, am employed in the aforesaid county, State of California; I am
4 over the age of eighteen years and not a party to the within action; my business address is:
5 180 Newport Center Drive, Suite 260, Newport Beach, California 92660.

6 On November 6, 2007, I served the document entitled: *Declaration of Timothy Carl*
Aires Re: Explanation for Failure to File Motion for Default Judgment on all interested
7 parties in this action by placing a true and correct copy thereof, enclosed in a sealed
envelope, addressed as follows:

8 Matlock Law Group (matlocklawgroup@sbcglobal.com)
Anne-Leith W. Matlock, Esq.

9 Guy D. Chism, Esq.
961 Ygnacio Valley Road
10 Walnut Creek, CA 94596

11 (check applicable paragraphs)

12 X (BY MAIL IN THE ORDINARY COURSE OF BUSINESS) I am readily familiar
with the business practice for collection and processing of correspondence for mailing
with the U.S. Postal Service and the fact that correspondence would be deposited with
the U.S. Postal Service that same day in the ordinary course of business; On this date,
the above-named correspondence was placed for deposit at Newport Beach, CA and
placed for collection and mailing following ordinary business practices.

15 – (BY PERSONAL SERVICE) I caused such document to be served by hand on the
16 addressee.

17 – (BY EXPRESS SERVICE) I caused such document to be deposited in a box or other
18 facility regularly maintained by the express service carrier or delivered to an
19 authorized courier or driver authorized by the express service carrier to receive
documents, in an envelope or package designated by the express service carrier with
delivery fees paid or provided for, addressed to the person on whom it is to be served.

20 – (State) I certify (or declare) under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

21 X (Federal) I declare (or certify, verify or state) under penalty of perjury that the
22 foregoing is true and correct, and that I am employed in the office of a
23 member of the bar of this Court at whose direction the service was
made.

24 Executed on November 6, 2007

Signature of Declarant

